

1 J. CHRISTOPHER JORGENSEN, ESQ.  
STATE BAR NO. 5382  
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5 *Attorneys for Defendants Countrywide KB*  
*Homes, Bank of America, N.A. and*  
6 *ReconTrust Company, N.A.*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 FRANCK LE BOUTEILLER,

11 Plaintiff,

12 vs.

13 COUNTRYWIDE KB HOMES, a  
COUNTRYWIDE MORTGAGE, LLC  
14 SERIES ET AL; BANK OF AMERICA  
NATIONAL ASSOCIATION; RECONTRUST  
15 COMPANY NATIONAL ASSOCIATION; et  
al.,

16 Defendants.

Case: 2:09-cv-01621-HDM-LRL

**ORDER CANCELING LIS PENDENS**

17 This Court granted Defendants Countrywide KB Homes', Bank of America, N.A.'s, and  
18 ReconTrust Company N.A.'s ("Defendants") Motion to Dismiss on November 23, 2010, [DE 35].

19 Defendants further request that the lis pendens currently recorded against the subject  
20 property by Plaintiff Franck Le Bouteiller ("Plaintiff") be canceled.

21 The Court finds that Plaintiff recorded a Notice of Pendency of Action ("Lis Pendens") on  
22 or about August 3, 2009, in Book No. 20090803 as Instrument No. 000863 in the real property  
23 records maintained by the Clark County Recorder. A copy of the Lis Pendens is attached hereto as  
24 Exhibit "A."

25 UPON CONSIDERATION of Defendants' request to cancel the Lis Pendens, and good  
26 cause appearing therefore, the Court hereby grants Defendants their requested relief and rules as  
27 follows:  
28

2. IT IS FURTHER ORDERED, ADJUDGED and DECREED that this order canceling the Lis Pendens has the same effect as an expungement of the original Lis Pendens.

3. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants record a properly certified copy of this cancellation order in the real property records of Clark County, Nevada within a reasonable amount of time from the date of this order's issue.

ENTERED this 11 day of January, 2011

ENTERED this 11 day of January, 2011

By Brian J. [Signature]  
UNITED STATES DISTRICT JUDGE

Submitted by:

LEWIS AND ROCA LLP

By: /s/ J. Christopher Jorgensen  
J. CHRISTOPHER JORGENSEN, ESQ.  
3993 Howard Hughes Pkwy., Ste. 600  
Las Vegas, NV 89169  
Attorneys for Defendants

EXHIBIT “A”

EXHIBIT “A”

3

APN# 191-04-316-028

11-digit Assessor's Parcel Number may be obtained at:  
<http://redrock.co.clark.nv.us/assrealprop/ownr.aspx>

Inst #: 200908030000863

Fees: \$16.00

N/C Fee: \$0.00

08/03/2009 10:28:14 AM

Receipt #: 356

Requestor:

F LEBOUTELLER

Recorded By: Pgs: 3

DEBBIE CONWAY

CLARK COUNTY RECORDER

**Type of Document**

(Example: Declaration of Homestead, Quit Claim Deed, etc.)

Notice of Pendency of Action

**Recording Requested By:**

Franck Le Bouteiller

**Return Documents To:**

Name Franck Le Bouteiller

Address 17 Desert Palm Drive

City/State/Zip Las Vegas, NV 89183

This page added to provide additional information required by NRS 111.312 Section 1-2

(An additional recording fee of \$1.00 will apply)

This cover page must be typed or printed clearly in black ink only.

1 RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

2 FRANCK LE BOUTEILLER  
3 17 Desert Palm Drive  
Las Vegas, Nevada 89183

**FILED**

AUG 3 8 26 AM '09

  
CLERK OF THE COURT

6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

9 FRANCK LE BOUTEILLER,  
10 Plaintiff,

11 vs.

12 COUNTRYWIDE KB HOMES, A  
13 COUNTRYWIDE MORTGAGE,  
14 LLC SERIES; BANK OF  
AMERICA HOME LOANS;  
15 RECONTRUST COMPANY, N.A.;  
and DOES I - X inclusive,

16 Defendants.

Case No.: A-09-596500-C

Dept No.: XXIV

NOTICE OF PENDENCY  
OF ACTION

NRS 14.010 ET. SEQ.

18 **NOTICE OF PENDENCY OF ACTION**

19 Notice is given that the above-entitled action was filed in the above-entitled  
20 court on August 3, 2009 by FRANCK LE BOUTEILLER, plaintiff, against  
21 COUNTRYWIDE KB HOMES, A COUNTRYWIDE MORTGAGE, LLC  
22 SERIES; BANK OF AMERICA HOME LOANS; RECONTRUST  
23 COMPANY, N.A.; and DOES I - X inclusive, defendants. This action  
24 affects the title to a specific parcel of Real Property and the right to lawful  
25 possession of the same. The property location is: 17 Desert Palm Drive,  
26 Las Vegas, Nevada 89183 and more particularly described as:

27 Lot 35 of Terracina IV, as shown by map thereof on file in Book 126 of  
28 Plats, Page 11, in the Office of the County Recorder of Clark County,

1 Nevada.

2 APN: 191-04-316-028

3 and which is identified in the complaint in this action. The property affected  
4 by the action is located in the County of Clark, Nevada. The natures of the  
5 claims are: (i) Unfair Lending Practices; (ii) Breach of Covenant of Good  
6 Faith and Fair Dealing; (iii) Misrepresentation; (iv) Negligence/Negligence  
7 Per Se; (v) Breach of Special/Fiduciary Relationship; (vi) Wrongful  
Foreclosure; (vii) Injunctive Relief; and (viii) Deceptive Trade Practices.

8 DATED: July 9, 2009

  
FRANCK LE BOUTEILLER

10 **ACKNOWLEDGMENT**

11  
12 State of Nevada }  
13 } ss.  
14 County of Clark }

15 Before me, a notary public in and for the County of Clark, State of  
16 Nevada, personally appeared: FRANCK LE BOUTEILLER who upon  
17 satisfactory proof shown to me established that he is the party who signed  
18 the Notice of Pendency of Action.

19 Dated this \_\_\_\_ day of August 2009.

20  
21 \_\_\_\_\_  
22 Notary Public in and for said County and State

23  
24  
25  
26 CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

27   
28 CLERK OF THE COURT